

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CERTIFICATE OF EFS FILING**

I hereby certify that this document is being filed via EFS in the United States Patent and Trademark Office on October 8, 2008.

/kelly k. reynolds/

**SUBMISSION OF STATEMENT OF PUBLIC AVAILABILITY IN  
U.S. PATENT APPLICATION NO. 10/580,556**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The examiner has requested a statement of public availability of the subject matter of claims 8 and 9 in the present application. The subject matter of these claims is the rumen bacterial mutant *Mannheimia* sp. LPK7, specifically, KCTC 10626BP.

By the enclosed "Declaration under 37 CFR §1.132 of public availability of *Mannheimia* sp. LPK7" it is declared that *Mannheimia* sp. LPK7 was deposited with the Korean Collection for Type Cultures (KCTC) and that such deposit was made in accordance with the requirements of the Budapest Treaty. The Declaration under 37 CFR §1.132 provided herewith states in paragraph 3 that "upon allowance and issuance of the above-named application as a United States Patent, all restriction on availability of the deposits designated in paragraph 1 hereinabove will be irrevocably removed." As deposits made under the Budapest Treaty are available for at

least 30 years from the date of deposit, upon issuance of the present application as a U.S. Patent, the deposit of *Mannheimia sp.* LPK7 will be accessible, available, and obtainable at least until 2034.

As the present application was filed May 26, 2006, any patent issuing on the present application will have a term expiring on May 26, 2026 (plus any Patent Term Adjustment). Accordingly, the deposit of *Mannheimia sp.* LPK7 will assure public availability of that microorganism for the entire term of the patent.

No fees are believed to be due for the filing of this paper. However, should any fees be required or an overpayment of fees made, please debit or credit our Deposit Account No. 08-3284, as necessary.

If any issues require further resolution, the Examiner is requested to contact the undersigned attorneys at (919) 419-9350 to discuss same.

Respectfully submitted,

Date: October 8, 2008

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Enclosures:

Declaration under 37 CFR §1.132 of public availability of *Mannheimia sp.* LPK7 [4 pgs.]

The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284